

1 COUNSEL LISTED ON SIGNATURE BLOCK

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 ) No.: M-07-5944 SC  
11 **In Re CATHODE RAY TUBE (CRT)** )  
12 **ANTITRUST LITIGATION** ) MDL NO. 1917  
13 )  
14 This Document Relates to: ) **STIPULATION AND [PROPOSED]**  
15 ) **ORDER REGARDING**  
16 ) **NONPARTY DISCOVERY**  
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IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the undersigned defendants and plaintiffs, that:

1. Any documents, electronically stored information, or tangible things (“Discovery Materials”) obtained from a nonparty to this action in response to a subpoena pursuant to Federal Rule 45 shall be promptly served by the Receiving Party<sup>1</sup> upon the Designated Party,<sup>2</sup> and in no event later than one week after receipt of the Discovery Materials.

2. If the Receiving Party intends to utilize the Discovery Materials prior to the deadline for service set forth in Paragraph 1 above in connection with motion practice, depositions, or appearances before, or submissions to, the Court, the Receiving Party shall

<sup>1</sup> “Receiving Party” shall refer to a party that receives Discovery Materials from any nonparty pursuant to a subpoena.

<sup>2</sup> If the Receiving Party is a plaintiff, the Designated Party shall be counsel for one defendant to be identified within one week of execution of this Stipulation. If the Receiving Party is a defendant, the Designated Party shall be lead counsel for the indirect purchaser plaintiffs.

1 serve the Discovery Materials upon the Designated Parties at least three days in advance of such  
2 use of the Discovery Materials.

3 3. Discovery Materials shall be served by a Receiving Party on the  
4 Designated Parties in the same form in which it was received from the nonparty.

5 4. As with party discovery, parties receiving Discovery Materials from the  
6 Receiving Party under this Stipulation shall pay the Receiving Party the reasonable cost of  
7 copies or of duplicate DVDs of the Discovery Materials. Nothing herein regarding costs of  
8 copies or duplicate DVDs shall delay production of Discovery Materials by the Receiving Party  
to the Designated Parties.

9 5. Any Discovery Materials obtained by a Receiving Party prior to the  
10 execution of this Stipulation shall be served upon the Designated Parties within one week of the  
execution of this Stipulation.

11 6. The execution of this Stipulation by counsel for any Defendant shall not  
12 constitute a general appearance by that Defendant in this action.

13 7. Nothing in this Stipulation shall constitute a waiver or admission by any  
14 party, except as stated in this Stipulation, and all defenses, including but not limited to the  
15 defense of lack of personal jurisdiction, are preserved.

16 **IT IS SO STIPULATED.**

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18 Dated: November 10, 2009

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: November 12, 2009

